

State of Alaska FY2002 Governor's Operating Budget

Department of Administration
Public Defender Agency
Component

Component: Public Defender Agency

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Component Mission

To provide constitutionally mandated legal representation to indigent clients.

Component Services Provided

Maintain 13 offices from Ketchikan to Barrow which provide legal representation when court ordered, of

- Individuals accused of crimes
- Children accused of delinquent behavior
- Parents, when the state seeks custody of a child
- Mentally ill individuals, when the state seeks involuntary commitments
- Individuals accused of contempt or violating probation/parole orders

Component Goals and Strategies

IMPROVE THE TIMELY PROCESSING OF CHILD PROTECTION CASES

- Effectuate appropriate parental responses to DFYS "Zero Tolerance" policies
- Cope with increased incoming cases, increased workload and mandatory deadlines
- Expedite family reunification and permanency planning for children

BASIC SERVICE TO RURAL CLIENTS

- Provide in-person representation at remote court sites
- Return investigative and volunteer resources to rural offices
- Balance increased judicial and law enforcement resources in Bethel region

ENHANCE STAFF AND ADMINISTRATIVE EFFICIENCIES THROUGH TECHNOLOGY

- Network remaining offices
- Increase available technology including research, brief and motion banks
- Implement case management system statewide for access to accurate data

Key Component Issues for FY2001 – 2002

INCREASING CASELOAD DUE TO INCREASED FUNDING FOR LAW ENFORCEMENT AND CHILD

PROTECTION - The Public Defender was appointed to over 19,200 new cases in FY2000. This continues a previously identified trend that has resulted in an overall caseload increase of 54% over the last ten years, with a less than 6% (factoring inflation) increase in resources during that same time period. This problem is particularly aggravated by actual reductions of funding while other participant funding increases. Balance in the funding decisions concerning the criminal and child protection agencies must be maintained. Consistent and effective communication among the participants and the funding decision makers will allow timely, cost-effective and quality resolution of cases. Failure to keep pace by the PD component for the last several years has resulted in delay, inconvenience, turnover of staff and reversal of cases.

TECHNOLOGY - The Public Defender Agency must continue to increase use of new technology to enable the agency to keep pace with the rest of the criminal justice system. The challenge is to do this within the existing budget despite the ongoing caseload increases. In FY2000 we completed networking all of our larger offices by installing file servers in the two larger offices that did not have networks. We then began installing peer-to-peer networks in our six small offices. We developed a prototype in our Kodiak office and by the end of FY01 hope to have the small networks installed. The FY2001 goal is to complete the network with the remaining offices allowing use of legal resources (brief and motion banks) and email for everyone. Continued progress is expected.

IMPROVE THE QUALITY OF JUSTICE IN ALASKA - The Public Defender Agency continues to play a leadership role in the development of Alaska's child protection policy. Consistent and effective partnerships among affected agencies, decision makers and federal funding sources will continue to improve not only child protection, but also juvenile delinquency, mental health, criminal law and public safety in Alaska.

Major Component Accomplishments for FY2000

- Enhanced staff and administrative efficiencies by networking offices and increasing available technology.
- Provided cost-effective representation in over 19,200 new cases.
- Survived 25% turnover in staff attorneys.

Statutory and Regulatory Authority

U. S. Constitution, Amendment VI
 Alaska Constitution, Article 1, Section 11
 AS 18.85.010 et seq.
 Alaska Criminal Rule 39

Key Performance Measures for FY2002

Measure: The number of defense cases successfully completed within the Alaska Court System time standards.

(Added by Legislature in FY2001 version.)

Measure: The number of pleadings for which extensions are requested as compared to the total number filed.

(Added by Legislature in FY2001 version.)

Measure: The number of requests for continuance of hearings or trials filed by the agency.

(Added by Legislature in FY2001 version.)

Status of FY2001 Performance Measures

	<i>Achieved</i>	<i>On track</i>	<i>Too soon to tell</i>	<i>Not likely to achieve</i>	<i>Needs modification</i>
• The number of defense cases successfully completed within the Alaska Court System time standards.			X		
• The number of pleadings for which extensions are requested as compared to the total number filed.			X		
• The number of requests for continuance of hearings or trials filed by the agency.			X		

Public Defender Agency
Component Financial Summary

All dollars in thousands

	FY2000 Actuals	FY2001 Authorized	FY2002 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	8,471.1	8,807.3	9,598.7
72000 Travel	229.5	270.5	504.0
73000 Contractual	1,139.3	978.7	1,191.0
74000 Supplies	100.7	74.2	90.0
75000 Equipment	103.9	39.5	128.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	10,044.5	10,170.2	11,511.7
Funding Sources:			
1004 General Fund Receipts	9,012.4	9,189.4	10,687.4
1005 General Fund/Program Receipts	190.6	190.9	196.2
1007 Inter-Agency Receipts	616.5	493.9	497.8
1037 General Fund / Mental Health	0.0	130.0	130.3
1053 Investment Loss Trust Fund	0.0	67.7	0.0
1108 Statutory Designated Program Receipts	0.0	98.3	0.0
1119 Tobacco Settlement	225.0	0.0	0.0
Funding Totals	10,044.5	10,170.2	11,511.7

Estimated Revenue Collections

Description	Master Revenue Account	FY2000 Actuals	FY2001 Authorized	FY2001 Cash Estimate	FY2002 Governor	FY2003 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	3.1	1.0	3.0	1.0	3.0
Unrestricted Total		3.1	1.0	3.0	1.0	3.0
Restricted Revenues						
Interagency Receipts	51015	616.5	493.9	630.6	497.8	630.6
General Fund Program Receipts	51060	190.6	190.9	196.2	196.2	196.2
Statutory Designated Program Receipts	51063	0.0	98.3	98.3	0.0	0.0
Investment Loss Trust Fund	51393	0.0	67.7	67.7	0.0	0.0
Restricted Total		807.1	850.8	992.8	694.0	826.8
Total Estimated Revenues		810.2	851.8	995.8	695.0	829.8

Public Defender Agency

Proposed Changes in Levels of Service for FY2002

All of the changes are required to maintain basic legal representation and reduce excessive turnover given uncontrollable caseload and workload increases:

FELONY DWI RESOURCES - The Anchorage Mayor's DUI Prevention Task Force concluded that lack of PD funding was a major problem in processing DWI offenders.

MENTAL HEALTH COURT RESOURCES - MHTA new funding of Court and DOC participants has exceeded PD ability to respond.

BETHEL REGION RESOURCES - The Alaska Court System adding a full-time district court judge, Public Safety adding Troopers and VPSO's, and DHSS adding social workers, has increased caseload, particularly family court and serious felony cases by almost 40% since FY95.

PALMER OFFICE RESOURCES - As the fastest population growth area in the State, Palmer's felonies have increased 139% since FY95. Child protection cases have increased by over 1000% since FY97.

RESTORE PREVIOUSLY CUT SERVICES

- Rural in-person representation
- Kodiak investigator
- Volunteer program
- Computerized legal research

Summary of Component Budget Changes

From FY2001 Authorized to FY2002 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2001 Authorized	9,578.0	0.0	592.2	10,170.2
Adjustments which will continue current level of service:				
-Convert Special FY2001 Labor Cost Fund Sources to GF	98.3	0.0	-98.3	0.0
-Year 2 Labor Costs - Net Change from FY2001	47.7	0.0	3.9	51.6
-Chapter 65, SLA 00 Fiscal Note Reduction	-1.5	0.0	0.0	-1.5
Proposed budget increases:				
-Maintain Critical Services	457.4	0.0	0.0	457.4
-Fund Paralegals and Needed Services	834.0	0.0	0.0	834.0
FY2002 Governor	11,013.9	0.0	497.8	11,511.7

Public Defender Agency
Personal Services Information

Authorized Positions			Personal Services Costs	
	FY2001 Authorized	FY2002 Governor		
Full-time	120	134	Annual Salaries	7,635,497
Part-time	4	4	COLA	160,537
Nonpermanent	13	13	Premium Pay	0
			Annual Benefits	2,568,786
			<i>Less 7.39% Vacancy Factor</i>	<i>(766,120)</i>
			Lump Sum Premium Pay	0
Totals	137	151	Total Personal Services	9,598,700

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Accounting Clerk II	1	0	0	0	1
Administrative Assistant	2	0	0	0	2
Administrative Clerk I	1	0	0	2	3
Administrative Clerk II	1	1	0	0	2
Administrative Clerk III	0	0	0	1	1
Administrative Manager II	1	0	0	0	1
Analyst/Programmer II	0	0	0	1	1
Assoc Attorney I	5	0	1	4	10
Assoc Attorney II	1	0	0	0	1
Attorney II	9	0	1	13	23
Attorney III	6	3	1	8	18
Attorney IV	14	5	2	9	30
Attorney V	3	1	0	0	4
Investigator II	0	0	0	2	2
Investigator III	0	1	0	1	2
Legal Secretary I	6	3	3	18	30
Legal Secretary II	3	1	0	2	6
Paralegal Asst I	4	1	1	4	10
Paralegal Asst II	1	1	0	0	2
Public Defender	1	0	0	0	1
Social Worker I	1	0	0	0	1
Totals	60	17	9	65	151